

### **REMARKS**

In a non-final Action mailed 29 June2006 the Examiner raised numerous objections to the specification and drawings, mostly relating to inconsistent terminology or the failure to reproduce reference numerals throughout the specification. In addition, claim 11 was objected to for claiming, in essence, a possibility mentioned, but not described in the application. Claims 1, 3, 5, 7-9 and 11 were rejected under 35 USC, second paragraph for indefiniteness. All of the pending claims 1-13 were rejected under 35 USC Sec. 103(a) for obviousness.

Numerous small changes to the drawings are proposed in Replacement Sheets appended hereto. These are intended to answer most of the Examiner's objections to the drawings. In some cases the objections to the drawings are dealt with amendments to the specification. The first objection to the drawings related to use of the reference numerals "25" and "27" to refer to a "main segment". The specification has been changed to alter "27" to "25" where referring to the main segment. Two reference numerals "13" and "47" were used to refer to a trailer bed. All references to the trailer bed have been changed to "47". The Examiner referred to a "direction B" being used to indicate withdrawal of the platform into the trailer. This appears to occur in Fig. 7. The reference has been changed to "N". Fig. 3 showed a reference letter "B" adjacent an arrow pointing from the trailer, but the description called out the drawing as illustrating an "intermediate position B". The arrow has been eliminated though to avoid confusion. Thus there was no duplication in use of the letters "B" and "K" regarding directions. The Examiner states that the letters "A" and "H" have both been used to refer to the rotation of the mid segment on the main segment. The drawings have been changed to make all such rotational references "H".

Regarding paragraph 2 of the Action, the reference numeral "13" now only refers to a target surface. The letter "A" now refers only to the retracted position of the bed. Rotation of the mid-section is referenced using the letter "H". The step of Fig. 11 formerly designated using the letter "A" is now called out by the letter "Q", and the

palletized freight module is called out by the letter "W". Similarly the letter "B" now refers only to a platform position. Rotation of the end segment is referred to by the letter "I". "N" has replaced "B" in Fig. 7 to indicate the direction of withdrawing the platform into a trailer. The step of Fig. 11 is redesignated "R". The freight module formerly referenced as "B" is now referenced by "X". Regarding the letter "C", its use in Fig. 11 to refer to a step has been changed to "S" and the freight module is now "Y". Use of the letter "D" in Fig. 11 to refer to a freight module has been changed to "Z" and to a step in the Figure to "T". Step "E" in Fig. 11 has been changed to "U".

Regarding paragraph 2 of the Action, sections f and g, the term hydraulic actuator, hydraulic piston and pneumatic actuator were used almost interchangeably from section to section of the application. All instances have been changed to "hydraulic actuator" since the most detailed description of the actuation system is hydraulic. Those skilled in the art will understand that pneumatic systems could be substituted. Several paragraphs have been amended to incorporate this change.

The Examiner identified the word "from" as being misspelled in paragraph [0027], line 4. The Examiner appears to have misunderstood the word "fro" in the expression "to and fro" as having been intended to be "from". "To and fro" is a well understood, if perhaps dated, expression meaning "back and forth".

A number of reference characters were asserted as missing. The amendments to the specification hopefully deal with this. However, in paragraph 4, subsection xiv, the Examiner cited omission of the numerals 79, 80 and 81 from paragraph 35, line 4. It is believed that the motors referred to there should be 83, 85 and 87.

Other amendments to the specification include: in paragraph [0006], the change of "off of" to "off" (this change occurs elsewhere), which is simply the dropping of an unnecessary and ungrammatical second preposition; in paragraph [0021], the replacement of an "and" with a comma, to improve understanding; in paragraph [0022] the change of a reference numeral from "27" to "25" for the sake of consistency and to address the Examiner's objection in paragraph 1(a) of the Detailed Action. Most of the remaining changes to the specification are intended to address the specific objections in

the Action. In paragraph 28 a joint between a second pair of segments is noted as not shown rather than having the suggested reference numeral applied to it. The reason for this should be clear in context. Paragraph 33 has been slightly amended for the sake of clarity. No new matter is believed introduced by any amendment, the changes to the drawings being supported by the specification and the changes to the specification being supported by other parts the specification or by the drawings.

Turning to the claims, the reference in Claim 11 to application of the system for movement of cargo off the side of a trailer has been deleted.

Respecting the 112, second paragraph rejections, in claim 1 the Examiner objected to the preamble making it unclear whether what was being claimed was “the combination of the platform and support or just the subcombination of the platform”. The language believed to be in question occurs in the preamble which recites “A load support and transfer platform . . .”. Loads are both carried (i.e. supported) by the platform in transit (See paragraph 21, lines 11-12 and paragraph 24, lines 5-7 of the detailed description) and transferred in and out of the trailer on the platform. In other words, “load support and transfer” refers to the functions of the platform, not to a combination of the platform and a support *for the platform* . It is granted that the preamble as originally submitted could be misconstrued in the way suggested by the Examiner, but for a different reason than the one advanced. The preamble suggests loads are directly carried on the bed, which would not normally be the case. The preamble has been correspondingly amended to make clear that just the platform is being claimed, but both functions of the platform are retained.

Further regarding claim 1 the Examiner objected to the term “end” being ambiguous. As amended there is only one “end” in the claim, which is an element of the bed on which the platform is installed. The segments have been described as hinged one to another to clarify the character of the alignment between the segments. The vertical positioning mechanism claim element has been recast as a positioning mechanism for rotating the segments relative to one another.

Claim 2 has been amended to correct a technical antecedent basis issue.

Claim 3 has been amended as suggested in the Action.

Claim 4 has been amended to track changes in claims 1, 2 and 3.

Claim 5 has been amended to change "ground" to "external surface" as suggested in the Action.

Claim 6 has been cancelled since "trailer height adjustment" is not logically part of the platform, but rather part of the trailer on which the platform is installed.

Claim 7 has been amended to address the Examiner's paragraph 112, second paragraph concerns and to simplify the description of the invention. The conveyor sections are no longer called out as having "conveyors" that limitation believed to be implicit in their identification as "conveyor sections". Claims 8-10 have been amended to conform to the changes to claim 7.

Claim 11 has been amended to address the Examiner's objections.

The first obviousness rejection, directed toward claims 1-5, was based on a combination of Torneback (US-4,180,172) in view of Lowe et al. (US-2,885,616) further in view of Anger (US-2,885,6216). For part I, directed at claim 1, the Examiner contends that the extensible sub-floor 13 of Lowe, which carries cargo and which may be rolled out from the back of a panel truck can be combined with the folding front load carrying platform section taught in Torneback to produce the claimed invention. There are two problems with the proposed combination. First, in order to fold the front section of the Torneback device the forward end of the front section has to be anchored (or fixed, see part 9, col. 1, lines 60-61) to its trailer. If any part of the platform is anchored to the trailer than it is impossible for the platform, as a unit, to be moved off the trailer. The folding section in particular cannot be moved off the trailer. Accordingly, the combination of the references cannot teach that one can produce a load carrying, segmented platform for a trailer that can be displaced partially off the trailer. The proposed combination makes Torneback inoperative. A second possible issue with Torneback is that the folding aspect is provided so that part of the load carrying platform can be moved about *on* its trailer for loading. There is no intent that the platform is to

be loaded when displaced off the trailer because the section cannot be moved off the trailer. The proposed modification may seem to defeat the purpose of Torneback. In view of this rebuttal of the combination of the references, no response is made to the rejections of claims 2-5 based on the combination.

Anger teaches a conveyor control system for a series of conveyors (belt sections) arranged end to end. The belt sections are provided with independent control of section speed provided to allow for processing of a continuous slab of material, such as plasterboard, which may expand or shrink as it dries while keeping the material under constant tension. See col. 7, lines 43 and following and col. 8, lines 4-8. The "belt sections" are not shown as installed on moveable segments or a translatable platform and there is no teaching in Torneback or Lowe as to why conveyors would be needed to move articles about on an already moveable platform. The proposed combination fails for lack of any teaching that would suggest the combination.

Claim 6 was rejected over Torneback in view of Lowe further in view of Anger and still further in view of Eckelberry et al. (US-App 2002/0130479). Claim 6 has been cancelled rendering the rejection moot.

Claim 7 was rejected over Torneback in view of Anger, further in view of Schwartz et al. (US-2,710,105) and Roth et al. (US-4,180,366). Before turning to the references it should be observed that the claim provides for two types of movement associated with the conveyor sections, movement of cargo between the conveyor sections and movement of the conveyor sections along a track. Torneback and Anger were discussed above. Schwartz appears to be cited for the proposition that it "discloses the track for the horizontal movement of the conveyor sections". Col. 2, line 71 to col. 3, line 7 is cited. However, the cited section states:

On the floor 11 of the truck body, adjacent each of the side walls 14-14 of the body, there is mounted a side rail or riser 15 (Fig. 1). These rails 15 may be of like construction but in this instance they are shown as being right and left-hand respectively. The rails 15 extend substantially the full length of the truck body from the rear end 8 thereof to the front end 13

thereof and they are rigidly secured in place to the floor and to the respective side walls of the truck body.

The “rails” are taken as corresponding to the track identified by the Examiner in this section. However, contrary to the Examiner’s analysis, the conveyor (or more precisely, the “lugged conveyor chain 19”) of Schwartz does not move along this rail (or interior rails 17). Rather, the lugged chain is mounted for rotation parallel to the rails and engages the front or back slats of a pallet resting on the rails at a point centered between rails and drags pallets which are supported on the rails along the rails. See col. 3, lines 18-34. Schwartz does not teach the basic claim element of horizontal translation of the conveyor sections, but only movement of the palletized freight on the rails/“tracks”.

Roth is cited as teaching:

“90 degrees rotation of the mid conveyor section with respect to the main conveyor section and the end conveyor section with the respect to the mid conveyor section”

The basic problem with this reference is that there are no “conveyor sections”. The “conveyor sections” identified by the Examiner are a series of risers and steps of a bus stair well which can be reconfigured as a flat surface (articulated platform) for operation as a lift. Col. 2, line 62 to col. 3, line 5.

The references failing to teach the elements asserted to be found therein, there is no teaching suggesting combining these references to produce the claimed invention.

Regarding claims 9 and 10, the rejection of claim 7 was reasserted further in view of Eckelberry and Lowe. The shortcomings of the Lowe and Roth references have already been dealt with.

Regarding claim 10, the Anger reference discloses adjustment of speeds for a series of conveyors to handle a continuous piece of material undergoing processing. It cannot provide for “modifying the spacing” between objects.

Regarding claims 11 and 12, the platform of the Torneback reference is not movable as a unit, one end of the platform being anchored. Anger teaches positionally


fixed conveyors and provides no teaching which would suggest incorporation of a series of conveyors as segments of a translatable platform. The Roth reference deals with articulating the steps and risers of a bus entrance to form a platform for a lift. There is no suggestion of using such a system where the steps and risers incorporate conveyors. Nor is any rationale advanced for incorporating a conveyor in the translatable platform of Lowe.

The remaining dependent claims recite still further elements distinguishing the invention over the prior art. Applicant believes the Claims are in condition for allowance and respectfully requests favorable action by the Examiner.

Respectfully submitted,

Date: September 26, 2006  
Warrenville, IL 60555  
Tel. No. 630/753-3023

Jeffrey P. Calfa  
Attorney for Applicant  
Reg. No. 37,105



**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 CFR 1.8 (a)**

I hereby certify that this **AMENDMENT UNDER 37 C.F.R. 1.111** is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on or before 9/26/06.

9/26/06  
Date

  
Catherine M. Majewski

FIG. 7

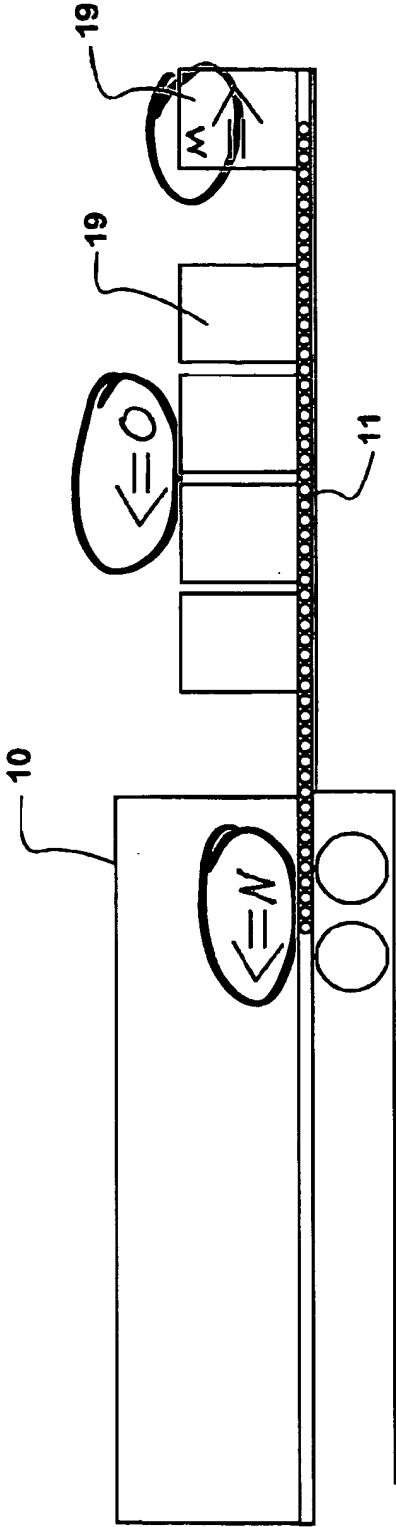
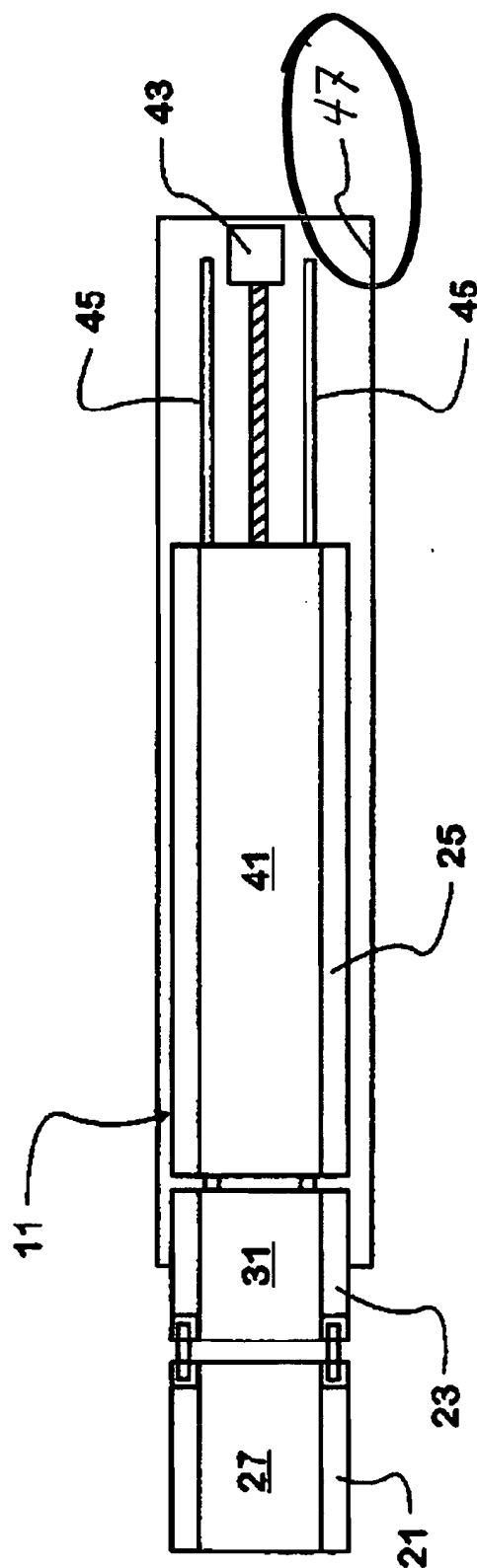


FIG. 8



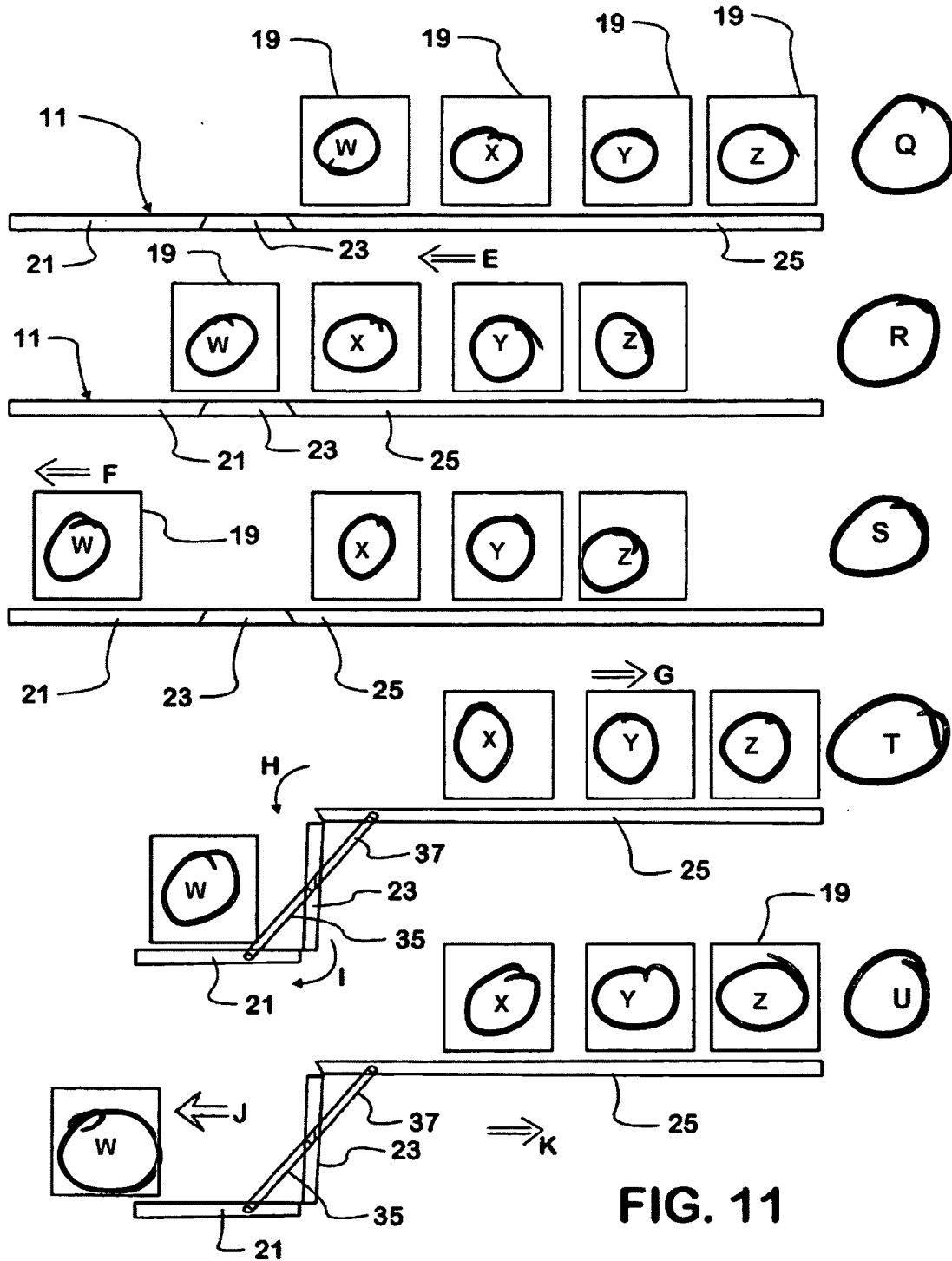
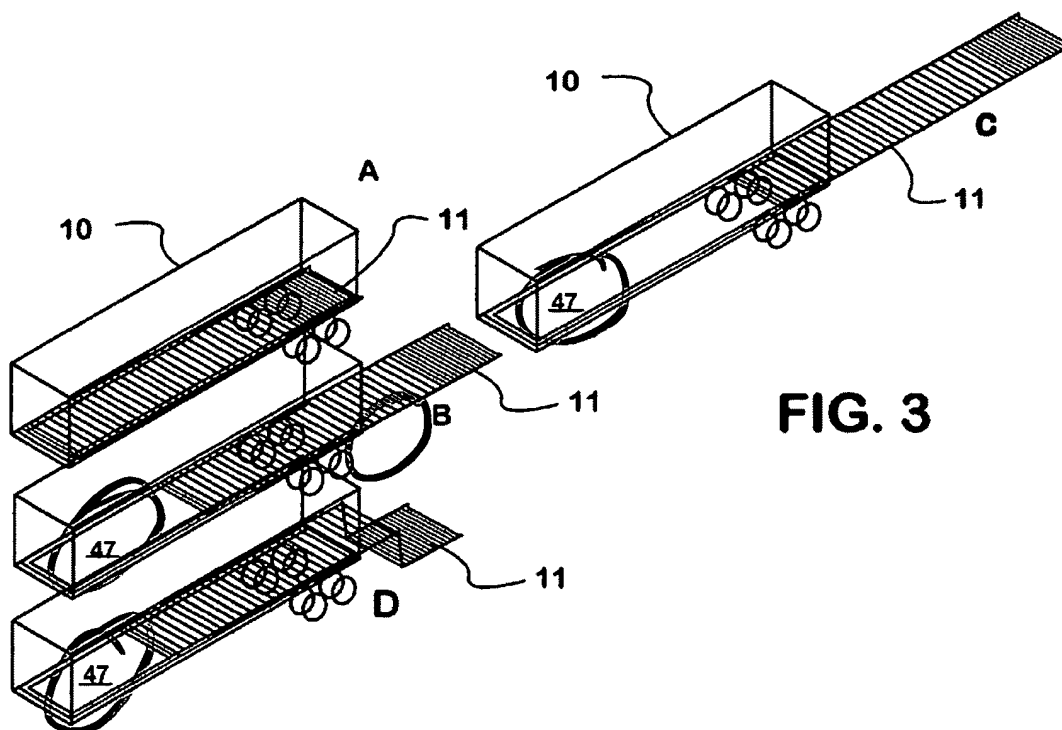
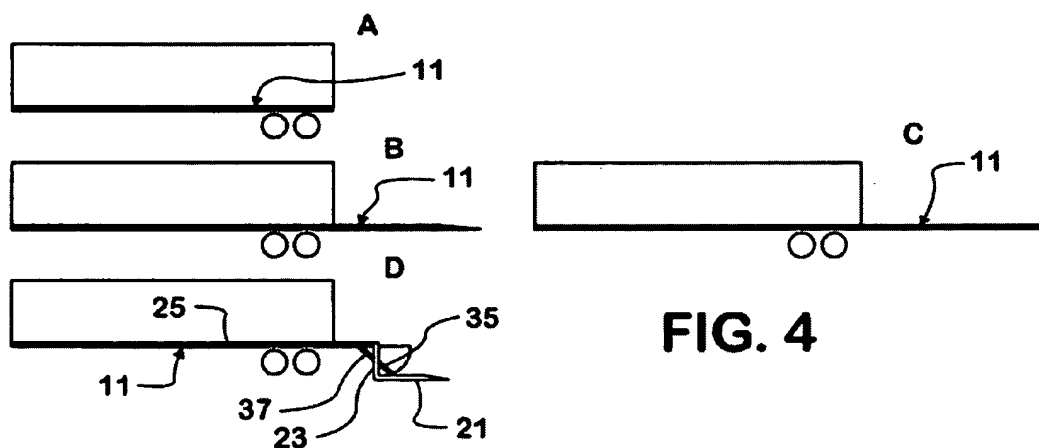


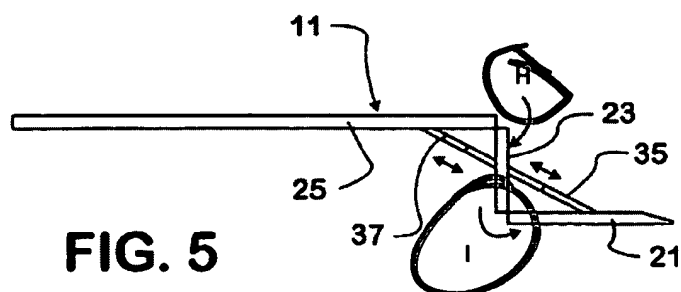
FIG. 11



**FIG. 3**



**FIG. 4**



**FIG. 5**